

# Exhibit 5

04/02/2019	1045	<p>ORAL ORDER: Damages and FRAND issues will not be tried until after all trials on liability are complete. (D.I. 1043 ). Thus, Plaintiffs Motion to Preclude Certain Opinions of Richard Eichmann regarding Family 2 Patent (D.I. 712 ); Defendants Motion to Preclude the Expert Testimony of Jonathan Putnam, Ph.D. for Family 2 (D.I. 723 ); Defendants Motion for Summary Judgment of No Pre-Suit Damages for U.S. Patent No. 7,453,881 (D.I. 725 ); Plaintiffs Motion to Preclude Certain Opinions of Richard Eichmann for Family 3 (D.I. 756 ); Plaintiffs Motion for Summary Judgment of No Breach of Any FRAND Obligations (D.I. 761 ); Defendants Motion for Summary Judgment of No Pre-Suit Damages for Family 3 Patents (D.I. 768 ); and Defendants Motion to Preclude the Expert Testimony of Jonathan Putnam, Ph.D. for Family 3 (D.I. 771 ) are dismissed as premature. Plaintiffs Motion to Preclude Certain Opinions of Dr. Krista S. Jacobsen for Family 2 (D.I. 718 ); Defendants Motion to Strike the Untimely Supplemental Expert Reports of Jonathan Putnam Ph.D. and Reply Report of Dr. Kevin Almeroth (D.I. 737 ); and Plaintiffs Motion in the Alternative, for Leave to Serve Supplemental Reports of Jonathan Putnam, Ph.D. (Families 1, 2 &amp; 3), the Putnam Errata (Family 1), and Attachment M to the Reply Report of Dr. Kevin Almeroth (Family 3) (D.I. 860 ) are dismissed as premature to the extent they relate to damages opinions. Ordered by Judge Richard G. Andrews on 4/2/2019. (nms) (Entered: 04/02/2019)</p>
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